

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

ONE 1989 WHITE MANTA VESSEL, )  
SERIAL NO. MQZ 32008D989, )

Defendant. )  
\_\_\_\_\_ )

CASE NO. 3:22-cv-39

ACTION FOR FORFEITURE

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

Plaintiff United States of America, by and through its attorneys, Delia L. Smith, United States Attorney for the District of the Virgin Islands, and Kimberly L. Cole, Assistant U.S. Attorney, pursuant to Supplemental Rule G(2) of the Federal Rules of Civil Procedure, brings this civil action of forfeiture *in rem* and respectfully alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil forfeiture action *in rem* brought to enforce the provisions of Title 21 U.S.C. § 881 and forfeit and condemn to the use and benefit of the United States of America the defendant property, one 1989 White 32-foot-long Manta vessel, serial no. MQZ 32008D989, with two outboard 300 hp Suzuki engines, named "Jazz Attack".

**JURISDICTION AND VENUE**

2. The Court has subject matter jurisdiction pursuant to: (1) 28 U.S.C. ' 1345, because this action was commenced by the United States, and (2) 28 U.S.C. §1355(a), because this is an action for forfeiture.

3. The Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district. Moreover, the Court will have control over the defendant property upon the service of an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which Plaintiff will execute upon the property, pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).
4. Venue is proper in this district pursuant to 28 U.S.C. '§ 1355 and 1395.

#### **THE DEFENDANT IN REM**

5. The defendant property is one 1989 White 32-foot-long Manta vessel, serial no. MQZ 32008D989, with two 300 hp outboard Suzuki engines, named “Jazz Attack”, which was seized from Shannon John within 24 miles of St. Croix, U.S. Virgin Islands, on January 9, 2022. The Manta vessel is registered to Jeffrey Durant of Tortola, BVI. It is presently in the custody of U.S. Customs and Border Protection.

#### **BASIS FOR FORFEITURE**

6. The defendant property is subject to forfeiture pursuant to 21 U.S.C § 881(a)(4) because it was used, or intended to be used to transport and facilitate the transportation, sale, receipt, possession, and concealment of controlled substances.

#### **FACTS**

7. The facts and circumstances supporting the seizure and forfeiture of the defendant property are contained in the Affidavit of Brien D. Webber, a Special Agent with Immigration and Customs Enforcement Homeland Security Investigations, which is attached hereto and incorporated herein, as if fully stated.

**CLAIM FOR RELIEF**

WHEREFORE, Plaintiff United States of America requests that the Court issue a warrant and summons for the arrest and seizure of the defendant property; that notice of this action be given to all persons known or believed to have an interest in or right to the property to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the property forfeited to the United States of America for disposition according to law; that the Plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

**DELIA L. SMITH**  
UNITED STATES ATTORNEY

Dated: June 7<sup>th</sup> 2022

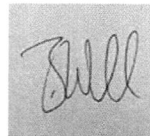
By: s/ Kimberly L. Cole  
Kimberly L. Cole  
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U.S. Attorney=s Office  
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**VERIFICATION**

I, Brien D. Webber, hereby verify and declare that I am a Special Agent with Immigration and Customs Enforcement Homeland Security Investigations, St. Thomas, United States Virgin Islands, that I have read the foregoing Verified Complaint for Forfeiture In Rem and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except those matters alleged on information and belief, and as to those matters, I believe them to be true.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7<sup>th</sup> day of June 2022.



Digitally signed by BRIEN D  
WEBBER  
Date: 2022.06.07 07:30:00 -04'00'

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Brien D. Webber  
Special Agent  
Immigration and Customs Enforcement  
Homeland Security Investigations